

## STATEMENT OF BASIS

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123579  
to discharge to waters of the State of Louisiana.  
AI No.: 154944 / Activity No.: PER20080001

THE APPLICANT IS: H&E Equipment Services, Inc.  
6064 Highway 167 South  
Maurice, LA 70555

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Bonnie Wascom

DATE PREPARED: April 10, 2008

## 1. PERMIT STATUS

- A. LPDES permit – NA  
LPDES permit effective date: NA  
LPDES permit expiration date: NA
- B. LWDPS permit – NA  
LWDPS permit effective date: NA  
LWDPS permit expiration date: NA
- C. Date Application Received: January 16, 2008

## 2. FACILITY INFORMATION

## A. FACILITY TYPE/ACTIVITY – equipment sales and maintenance business

This is an existing industrial equipment rental, sales, and maintenance company. The facility pressure washes equipment (dozers, cranes, hi-lifts, etc.) on a contained wash pad. Treatment of the generated equipment wash wastewater consists of sedimentation, oil/water separation, and filtration before it is discharged to Kenny Coulee. The treated sanitary wastewater generated at this facility is also discharged to Kenny Coulee.

## B. FEE RATE

- 1. Fee Rating Facility Type: minor
- 2. Complexity Type: II
- 3. Wastewater Type: III
- 4. SIC code: 5082

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C. LOCATION - 6064 Highway 167 South  
Maurice, Vermilion Parish  
Latitude +30° 03' 50", Longitude -92° 07' 29"

3. OUTFALL INFORMATION

**Outfall 001**

**Discharge Type:** Treated Sanitary Wastewater

**Treatment:** sedimentation, aeration, chlorination (STP)

**Location:** at the point of discharge from the treatment unit prior to mixing with other waters

**Flow:** 200 GPD

**Discharge Route:** by pipe to Kenny Coulee, thence to the Vermilion River

**Outfall 002**

**Discharge Type:** Equipment Wash Wastewater

**Treatment:** Sedimentation, Oil/Water Separation, Filtration

**Location:** at the point of discharge from the treatment unit prior to mixing with other waters

**Flow:** 500 GPD

**Discharge Route:** by pipe to Kenny Coulee, thence to the Vermilion River

4. RECEIVING WATERS

STREAM – Outfall 001 & 002 – by pipe to Kenny Coulee, thence to the Vermilion River

BASIN AND SEGMENT – Vermilion-Teche River – Subsegment 060802

DESIGNATED USES -

- a. Primary contact recreation
- b. Secondary contact recreation
- c. Propagation of fish and wildlife
- d. Agriculture

5. EXISTING EFFLUENT LIMITS

NA; facility not previously permitted

6. PROPOSED EFFLUENT LIMITS

BASIS – See rationale below.

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7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

There was an inspection on **December 4, 2007** that found an unpermitted sanitary discharge and also noted the construction of an equipment wash rack that was to have a discharge. There are no open, appealed, or pending OES enforcement actions as of **April 10, 2008**. There is no EPA enforcement history on file as of **April 10, 2008**.

B. DMR Review/Excursions

NA; facility not previously permitted

8. ENDANGERED SPECIES

The receiving waterbodies and proposed discharge are not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

9. 303 (d) LISTED WATERBODIES

Subsegment 060802, Vermilion River – From LA-3073 bridge to ICCW, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 060802 was previously listed as impaired for Nitrate + Nitrite (as N), organic enrichment/low DO, Carbofuran, suspended solids/turbidity/siltation, pathogen indicators and phosphorus, for which the below TMDLs have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 060802:

Vermilion River Organic Enrichment/Low DO TMDL

Per the EPA's *Vermilion River Dissolved Oxygen and Nitrogen TMDL*, the limits apply to sanitary discharges, and process outfalls of food processors and seafood processors. For discharges less than 25,000 GPD, secondary limits shall apply as per the TMDL. The organic enrichment/low DO impairment shall be addressed

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through the BOD<sub>5</sub> parameters for Outfall 001 and through the COD parameters for Outfall 002.

#### Vermilion River TMDL for Nitrogen

The *TMDL for Dissolved Oxygen and Nutrients in the Vermilion River* was final on April 5, 2001. No allocation was given to point source discharges in the Vermilion - Teche River Basin. LDEQ's position on nutrients, as supported by the ruling in *Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through the COD and BOD<sub>5</sub> limitations. Compliance with the COD and BOD<sub>5</sub> limitations as the indicator parameters will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with effluent limitations of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

#### Vermilion River TMDL for Phosphorus

As per the February 29, 2000 Delist (Federal Register Notice: Vo. 65, Num. 173, pages 54032-54034, 9/6/2000), assessment of new data and information shows this segment is meeting water quality standards for Phosphorus. Therefore, requirements for Total Phosphorus will not be placed in this permit.

#### Vermilion River Fecal Coliform TMDL

The *Vermilion River TMDL for Fecal Coliform* was finalized on April 5, 2001, addressing the presence of pathogen indicators in the watershed. As per this TMDL, "...there will be no change in the permit requirements based upon a wasteload allocation resulting from this TMDL." Therefore, Fecal Coliform effluent limitations will be permitted according to the current state policy.

#### TMDL for TSS, Turbidity and Siltation for the 15 Subsegments in the Vermilion River Basin

The TMDL states, "Point sources do not represent a significant source of TSS as defined in this TMDL. Point sources discharge primarily organic TSS, which does not contribute to habitat impairment resulting from sedimentation. Because the point sources are minor

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contributors and discharges of organic suspended solids from point sources are already addressed by LDEQ through their permitting of point sources to maintain water quality standards for DO, the wasteload allocations for point source contributions were set to zero." Therefore, the facility will be permitted according to current state water quality standards

TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins

The *TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins* was finalized on March 21, 2002, and states no point sources are known to discharge Carbofuran; therefore, no allocation was given to point source discharges in the Vermilion-Teche River Basin.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation  
Office of Environmental Services Public Notice Mailing List

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### Rationale for Water Treatment Plant

#### 1. Outfall 001 – Treated Sanitary Wastewater

<u>Pollutant</u>	<u>Limitation*</u>	<u>Reference</u>
	Mo. Avg: Weekly Avg	
Flow (GPD)	Report: Report	LAC 33:IX.2361.1.1.b
BOD <sub>5</sub>	---: 45 mg/L	Similar discharges (BPJ)
TSS	---: 45 mg/L	Similar discharges (BPJ)
Fecal Coliform	---: 400 Colonies/100 mL	Similar discharges (BPJ)
pH	6.0 - 9.0 su	Similar discharges (BPJ)

**Treatment:** Sedimentation, Aeration, Chlorination (STP)

**\*Monitoring Frequency:** Once per six months for all pollutants at the point of discharge from the treatment unit prior to mixing with other waters.

#### 2. Outfall 002 – Equipment Wash Wastewater

<u>Pollutant</u>	<u>Limitation*</u>	<u>Reference</u>
	Mo. Avg: Daily Max	
Flow (GPD)	Report: Report	LAC 33:IX.2361.1.1.b
TSS	---: 45 mg/L	Similar discharges (BPJ)
COD	---: 300 mg/L	Similar discharges (BPJ)
Oil and Grease	---: 15 mg/L	Similar discharges (BPJ)
pH	6.0 - 9.0 su	Similar discharges (BPJ)
Soaps and/or Detergents	Report: ---	Similar discharges (BPJ)
Visible Sheen	---: No Presence	Similar discharges (BPJ)

**Treatment:** Sedimentation, Oil/Water Separation, Filtration

**\*Monitoring Frequency:** Once per three months for Flow, TSS, COD, Oil and Grease, Soaps and/or Detergents, and pH; and daily for Visible Sheen at the point of discharge from the treatment unit prior to mixing with other waters.

**\*\*Limits Justification:** For all parameters, limits and monitoring frequencies are based on the general permit for exterior vehicle wash wastewater (LAG750000) effective on March 15, 2004.

BPJ Best Professional Judgment  
GPD Gallons per Day  
su Standard Units

#### NOTE:

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

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Pollution Prevention Plan (PPP) Requirement

A PPP is included in the permit since there is a potential for contamination from processes including equipment wash wastewater and chemicals stored on site.

The PPP shall be updated and maintained within sixty days from the effective date of the final permit. The plan should identify potential sources of pollution and ensure the implementation of practices to prevent and reduce pollutants in discharges associated with industrial activity at the facility (see narrative requirements of the Draft Permit).